

REMARKS/ARGUMENTS

Claims 47-66 are pending in the application. By this Amendment, claims 1-46 are canceled, and claims 47-66 are added. Reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks is respectfully requested.

The Office Action rejects claims 18, 19, 40 and 41 under 35 USC §112, second paragraph. The Office Action also rejects claims 14-16, 29-34, 38 and 39 under 35 USC §102(e) over Dinan (U.S. Patent Publication No. 2002/97267). The Office Action further rejects claims 1-13, 17-20, 22-28, 35-37, 40-42 and 44-46 under 35 USC §103(a) over Dinan, in view of Swanson (U.S. Patent Publication No. 2002/106066). Finally, the Office Action rejects claims 21 and 43 under 35 USC §103(a) over Dinan, in view of Swanson, and further in view of Farmer (U.S. Patent No. 6,476,830). Because claims 1-46 have been canceled, each of these rejections is moot. Further, for the reasons provided below, it is respectfully submitted that new claims 47-66 are allowable over Dinan, Swanson and Farmer.

New independent claim 47 is directed to a method of selecting an avatar. Claim 47 recites maintaining a database of records, each record comprising attributes of an individual and an identifier of said individual. Claim 47 also recites receiving a plurality of input attributes from a user, and rendering a first avatar based on the plurality of input attributes, wherein a graphical user interface builds up the image of the first avatar as the plurality of input attributes are received. Claim 47 further recites selecting and retrieving at least one record from the database, rendering at least one second avatar using attributes comprised in the at least one retrieved record, and selecting a rendered second avatar.

Dinan, Swanson and Farmer all fail to disclose or suggest a method wherein a first avatar is rendered based on input attributes received from a user, wherein the input attributes are also used to select a record from a database, and wherein a second avatar is rendered using attributes from a retrieved record. The cited references also fail to disclose or suggest selecting one of the rendered second avatars. For at least these reasons, it is respectfully submitted that claim 47 is allowable. Claims 48 – 56 depend from claim 47 are allowable for the same reasons, and for the additional features which they recite.

Claim 57 is directed to a system for selecting an avatar. Claim 57 recites a database that stores a plurality of records, each record comprising attributes of an individual and an identifier of the individual. Claim 57 also recites a character engine that receives a plurality of input attributes from a user, wherein the character engine comprises a graphical user interface that includes a first avatar, and wherein the character engine also comprises a rendering module for rendering the first avatar based on the received plurality of input attributes. Claim 57 further recites that the character engine selects and retrieves at least one record from the database based on the received input attributes. Claim 55 also recites an avatar rendering and selection module that renders at least one second avatar using attributes in the at least one received record, and that allows a user to select a rendered second avatar.

As discussed above, Dinan, Swanson and Farmer fail to disclose or suggest the system having a graphical user interface that renders a first avatar based on user input attributes, that retrieves a record from a database using the input attributes, and that renders a second avatar based on attributes contained in the retrieved record. The references also fail to disclose or

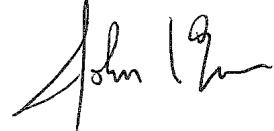
suggest allowing a user to select a rendered second avatar. Accordingly, it is respectfully submitted that claim 57 is also allowable. Claims 58-66 depend from claim 57 and are allowable for the same reasons, and for the additional features which they recite.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that additional are necessary to place the application in condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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